

DETAILED ACTION

This communication is in response to appeal brief filed 1/10/2011.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John R. Bednarz (Reg. 62,168) on 4/6/11.

The application has been amended as follows:

In the CLAIMS:

Please cancel claims 3, 6, and 17-20.

Response to Arguments

Applicant's arguments, see Appeal brief, filed 1/10/2011, with respect to 112(second) rejection have been fully considered and are persuasive. The rejection of claims 1-2, 4-5, 7-10 and 12-16 has been withdrawn.

Allowable Subject Matter

Claims 1-2, 4-5, 7-10 and 12-16 are allowed.

REASONS FOR ALLOWANCE

The Applicant's remarks/arguments dated 9/16/2008 (see pp. 7-9) regarding claim rejections over US Patent No. 5,890,140 to Clark et al. deemed as the closest prior art of record, are persuasive and are incorporated by reference herein as the reasons for allowance of claims 1-2, 4-5, 7-10 and 12-16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on Monday – Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JAGDISH N PATEL/

Primary Examiner, Art Unit 3693